

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN

In re:

ROBIN L. KRUTEL,

Debtor.

Case No. BG 17-00047  
Chapter 7

KELLEY R. BROWN,

Plaintiff,

Adversary Proceeding  
No. 17-80052

-vs-

ROBIN THOMAS-KRUTEL  
n/k/a ROBIN FROMILLE,

Defendant.

/

**ORDER DISMISSING COMPLAINT FOR NO CAUSE OF ACTION**

PRESENT: HONORABLE JAMES W. BOYD  
United States Bankruptcy Judge

On April 10, 2017, Kelley R. Brown (the “Plaintiff”) filed a complaint seeking a determination that Robin Thomas-Krutel (the “Defendant”) owed him a nondischargeable debt under 11 U.S.C. § 523(a)(2)(A) or (a)(4). (AP Dkt. No. 1.) The complaint was subsequently amended on two occasions. Like the original complaint, the Second Amended Complaint, filed on August 31, 2018, asserts causes of action for fraud under § 523(a)(2)(A) (“Count I”) and breach of fiduciary duty and larceny under § 523(a)(4) (“Count II”). (AP Dkt. No. 60.) A trial was held before this court on July 30, 2019. At the conclusion of the trial, the court took the matter under advisement.

On August 28, 2019, the court gave a bench opinion dismissing the Plaintiff’s Second Amended Complaint for no cause of action. In accordance with the bench opinion, and for the reasons set forth therein;

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Plaintiff’s Second Amended Complaint in this adversary proceeding is DISMISSED for no cause of action.

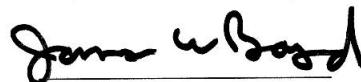
IT IS FURTHER ORDERED that the Clerk shall serve a copy of this order pursuant to Fed. R. Bankr. P. 9022 and LBR 5005-4 upon Nicholas S. Laue, Esq., attorney for the Plaintiff, and Michael M. Malinowski, Esq., attorney for the Defendant.

**END OF ORDER**

**IT IS SO ORDERED.**

Dated August 29, 2019



  
James W. Boyd  
United States Bankruptcy Judge